

1  
2  
3  
4 UNITED STATES DISTRICT COURT  
5 NORTHERN DISTRICT OF CALIFORNIA  
6

7 UNITED STATES OF AMERICA,

8 Plaintiff,

No. CR 11-00821LHK

9 v.  
10 NELSON ORELLANA,

**PRE-TRIAL ORDER**

11 Defendants.  
\_\_\_\_\_ /

12 The Court held a Pre-Trial Conference on January 11, 2012. Defendant was  
13 present with counsel James Phillip Vaughns, and assisted by Spanish language interpreter,  
14 Jack Medina. Jeffrey D. Nedrow represented the United States.

15 TRIAL

16 For the reasons stated on the record, the Court granted Defendant's request for a  
17 continuance of the trial from January 23, 2012 to March 9, 2012, and found that the time  
18 through and including January 23, 2012 and March 9, 2012 was deemed excluded  
19 pursuant to 18 U.S.C., §§ 3161(c)(2) and 3161(h)(7)(A) and (B)(iv).

20 The trial will take place from 9 a.m. to noon and 1 p.m. to 4:30 p.m. on the following  
21 dates: March 9, 12, 13, 16, 19, 20, and 23. The jury may deliberate on any intervening  
22 Wednesdays and Thursdays even though the Court will have its regular criminal and civil  
23 calendars on those days.

24 The parties should be prepared to give opening statements on March 9, 2012, and  
25 the United States should also be prepared to call its witnesses on March 9, 2012.

26 JURY SELECTION

27 Two alternate jurors will be selected. Counsel for each party will have 10 minutes to  
28 voir dire the potential jurors.

1            FINAL PRE-TRIAL CONFERENCE AND UNITED STATES' DISCLOSURES

2            The Court set a Final Pre-Trial Conference for February 29, 2012 at 10 a.m. at which  
3 time the parties will discuss stipulations, witnesses, exhibits, jury instructions, translators,  
4 clothing for in custody witnesses, and any other issues the parties raise.

5            On January 11, 2012, the United States shall make its *Henthorn* disclosure pursuant  
6 to the Court's Order on the United States' in camera review request. The United States  
7 shall disclose the identity of its Confidential Source on March 1, 2012.

8            STIPULATIONS

9            The parties will meet and confer about potential stipulations regarding chain of  
10 custody witnesses, custodian of record witnesses, and transcripts of Spanish language  
11 tapes.

12            UNITED STATES' MOTIONS IN LIMINE

13            Motion in Limine No. 1: Exclusion of Entrapment Defense. The Court denies this  
14 motion without prejudice. The United States may make this motion again after the close of  
15 evidence. Defense counsel will not refer to entrapment during voir dire or opening  
16 statements.

17            Motion in Limine No. 2: Exclusion of Witnesses' Arrests, Convictions, and Alleged  
18 Prior Bad Acts. Defense counsel's opposition to this motion is limited solely to the  
19 Confidential Source's 1995 felony conviction for eluding the police. Pursuant to Federal  
20 Rule of Evidence 609(b), the Court finds that the Confidential Source's 1995 felony  
21 conviction is too old and not probative of honesty; thus, the interests of justice do not  
22 warrant its admission into evidence. Moreover, pursuant to Federal Rule of Evidence 403,  
23 the probative value of this evidence is not outweighed by the undue delay and waste of  
24 time caused by the admission of this evidence. The Court grants this motion.

25            Motion in Limine No. 3: Admissibility of Evidence Regarding Defendant's Prior Drug  
26 Activity. For the reasons stated on the record, the Court grants this motion.

27            Motion in Limine No. 4: Admissibility of Co-Conspirator Statements. For the  
28 reasons stated on the record, the Court grants this motion.

1 Motion in Limine No. 5: Admissibility of Public Records. Defendant does not  
2 oppose, and the Court grants, this motion.

3 Motion in Limine No. 6: Admissibility of Expert Testimony Regarding Drug  
4 Trafficking. Defendant does not oppose, and the Court grants, this motion.

5  
6 **IT IS SO ORDERED.**

7 Dated: January 24, 2012

8   
9 LUCY H. KOH  
10 United States District Judge  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28